

AMENDMENT TO THE DRAWING

Fig. 5 is amended. The attached sheet of formal drawing replaces the original sheet including Fig. 5.

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated June 23, 2006. A Petition for Extension of Time (one month) and the fee therefor are submitted herewith.

Claims 3, 4, 7, 8, 12 and 13 have been withdrawn from consideration. Therefore, claims 1, 2, 5, 6, 9-11 and 14-16 are the claims currently presented for examination in the application.

Claims 1 and 5 are amended to recite features.

Applicant thanks the Examiner for acknowledging the claim for foreign priority and receipt of the priority document.

Further, Applicant thanks the Examiner for acknowledging, review and consideration of the references cited in the Information Disclosure Statement filed on October 18, 2004.

Objection to the Drawings

The Examiner objects to Fig. 5 of the Drawings for failing to bear a legend such as "Prior Art." New Fig. 5 is filed herewith. Therefore, this objection to the Drawings should now be withdrawn.

Rejection of Claims 5 and 14 Under 35 U.S.C. § 102

Claims 5 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Horie et al., U.S. Patent No. 5,581,539. This rejection is traversed.

For at least the following reasons, applicant's claimed invention is neither anticipated by nor obvious from the cited art. By way of example, independent claim 5 requires a mark length mT selected so that a signal amplitude $IL1$ from the land portion and a signal amplitude $IL2$ of the groove portion satisfy a relation of $1 < (IL2/IL1) < 1.3$.

Horie discloses an optical recording medium in which both grooves and lands are used as recording regions, such that groove depth satisfies certain relations with respect to the wavelength of the irradiation light, the groove width, and the land width (Horie Abstract). Further, Horie discloses that even if the land width and the groove width are not equal with each other, it is required that the levels for the respective signal amplitude are equal to each other, and therefore discloses that parameters such as land width, groove width, and groove pitch are selected so that the ratio of the signal amplitudes remains within a close range of being equal to each other (Horie,

Col. 29, lines 30-48). Thus, Horie discloses that various parameters such as those listed above are selected so as to make the signal amplitudes close to being equal.

Horie does not disclose or suggest varying mark lengths to control the ratio of groove signal amplitude to land signal amplitude. That is, Horie is silent with respect to a relationship between mark length and a ratio of a signal amplitude of a groove portion to a signal amplitude of the land portion. The Examiner, seems to acknowledge that Horie does not disclose such features, because the Examiner recognizes that “Horie et al. do not disclose signal amplitudes varying with mark length” (Office Action, page 3). Among the insights provided by applicant’s claimed invention is that such a signal amplitude ratio is controlled by the length of the marks and in turn such a signal amplitude ratio determines the optical resolution of the mark on the land portion. Horie does not address such issues.

Since Horie does not disclose or suggest selecting a mark length mT to yield a ratio of the signal amplitude of the groove portion to the signal amplitude of the land portion, Horie is incapable of disclosing or suggesting an mT selected so that signal amplitude $IL1$ and signal amplitude $IL2$ satisfy a relation of $1 < (IL2/IL1) < 1.3$. Accordingly, Horie does not disclose or suggest applicant’s invention as claimed in independent claim 5.

Claim 14 depends from independent claim 5 and thus incorporates novel and nonobvious features thereof. Accordingly, claim 14 is patentably distinguishable over the cited art for at least the reasons that independent claim 5 is patentably distinguishable over the cited art. Therefore, this rejection should now be withdrawn.

Rejection of Claims 1, 9, 10 and 16 Under 35 U.S.C. § 103

Claims 1, 9, 10 and 16 are rejected under 35 U.S.C. § 103 as being obvious from Horie et al. in view of Kondo U.S. Publication No. 2003/0053404. This rejection is traversed.

Independent claim 1 requires mT selected so that a single signal amplitude $IL1$ of the land portion and signal amplitude $IL2$ of the groove portion satisfy a particular relationship.

As discussed, Horie does not disclose or suggest varying or selecting mT to yield an $IL1$ to $IL2$ ratio. Further, Horie does not disclose or suggest an mT selected so that $IL1$ and $IL2$ satisfy a relationship of $1 < (IL2/IL1) < 1.3$. The Examiner, seems to acknowledge that Horie does not disclose such features, because the Examiner recognizes that “Horie et al. do not disclose signal amplitudes varying with mark length” (Office Action, page 5).

Kondo does not disclose or suggest the above-cited features claimed in independent claim 1 and the Examiner does not allege that the Kondo discloses or suggests such features. In fact, Kondo does not cure the deficiencies of Horie as they relate to independent claim 1.

Claims 9, 10 and 16 depend from independent claim 1 and thus incorporate novel and nonobvious features thereof. Therefore, claims 9, 10 and 16 are patentably distinguishable over the cited art for at least the reasons that independent claim 1 is patentably distinguishable over the cited art. Accordingly, this rejection should now be withdrawn.

In view of the foregoing discussion, Applicant respectfully requests that the Examiner reconsider the rejections, and believes that allowance of the claims of the application is now warranted. Should the Examiner have any questions regarding the present Amendment or wish to discuss the application generally, the Examiner is invited to telephone the undersigned attorney.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE UNITED STATES
PATENT AND TRADEMARK OFFICE
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Respectfully submitted,



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